

Introduced by Senator Walters

February 27, 2009

An act relating to South Orange Community College District.

LEGISLATIVE COUNSEL'S DIGEST

SB 780, as introduced, Walters. South Orange Community College District: real property.

Existing law establishes the California Community Colleges as a segment of public postsecondary education in the state. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state.

This bill would provide South Orange Community College District with sole authority to make determinations with respect to the development of specified real property in County of Orange that is owned or leased by the community college district. The bill would exempt the community college district from specified local regulations pertaining to the development of that real property. The bill would prohibit Orange County and the City of Tustin from imposing specified fees and conditions upon the development of the property. The bill would express the intent of the Legislature that these provisions supersede any inconsistent provisions of any contract or other agreement between the city and the community college district, or the county and the community college district, with respect to the property. The bill would make related findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. (a) For purposes of this section, the following terms have the following meanings:

(1) “City” means the City of Tustin.

(2) “Community college district” means the South Orange Community College District.

(3) “County” means the County of Orange.

(4) “Property” means the real property located in the County of Orange that is owned in fee by, or leased to, the community college district, and is both of the following:

(A) The property was formerly part of a military base that was closed pursuant to the federal Defense Base Closure and Realignment Act of 1990 (Part A, Title XXIX, Public Law 101-510).

(B) The property was conveyed in fee or leased by the United States to an applicable local reuse authority as an economic development conveyance pursuant to the federal Defense Base Closure and Realignment Act of 1990 (Part A, Title XXIX, Public Law 101-510).

(b) The Legislature finds and declares all of the following:

(1) Workforce development and worker training programs are important to the economic well-being of this state.

(2) The state’s community college districts are encouraged to work with other public and private educational institutions and private businesses to meet the state’s workforce development and worker training needs.

(3) The California Community Colleges are uniquely suited to further job generation and economic development, which are the primary purposes of economic development conveyances, as set forth in the federal Defense Base Closure and Realignment Act of 1990 (Part A, Title XXIX, Public Law 101-510).

(4) It is of critical importance to the state to facilitate the timely development of the community college district property to provide an education-oriented development that provides career education and job retraining in both a traditional and nontraditional manner.

(c) The community college district shall have sole authority, with respect to the property, to determine all of the following:

(1) The educational programs to be offered on the property and facilities necessary to implement those programs.

1 (2) The lessees or sublessees authorized to lease or sublease the
2 property.

3 (3) Whether the community college district's development of
4 the property qualifies as an education-oriented development.

5 (d) The community college district, in developing the property,
6 is exempt from zoning ordinances, general plans, specific plans,
7 or any other planning or zoning requirement of the city and the
8 county. The city and the county shall not impose fees or conditions
9 upon the development or operation of the property in a manner
10 that delays, obstructs, or prevents the development or operation
11 of the property or interferes with the community college district's
12 mission and academic plans with respect to the property.

13 (e) It is the intent of the Legislature that this section supersede
14 any provisions of any contract or other agreement between the city
15 and the community college district, or the county and the
16 community college district, with respect to the property, that are
17 inconsistent with subdivisions (c) and (d).

18 SEC. 2. The Legislature finds and declares that due to unique
19 circumstances regarding the development of former military base
20 property by the Orange County Community College District, a
21 general statute cannot be made applicable within the meaning of
22 Section 16 of Article IV of the California Constitution. Therefore,
23 the special legislation contained in Section 1 of this act is
24 necessarily applicable only to the Orange County Community
25 College District, the City of Tustin, and Orange County.